

UNITED STATES DISTRICT COURT
SOUTHERN DISTRICT OF NEW YORK

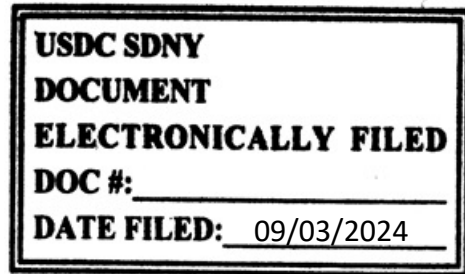
That's What She Said, Inc.,

Plaintiff,

-against-

Gutter Games, Inc., et al.,

Defendants.



1:22-cv-04230 (KPF) (SDA)

ORDER

STEWART D. AARON, United States Magistrate Judge:

Following a telephone conference held today, and as discussed on the record, it is hereby ORDERED that, no later than September 6, 2024, Plaintiff shall file a letter apprising the Court whether it will be withdrawing the pending appeal.¹ In the event that Plaintiff withdraws the appeal, then no later than September 13, 2024, the parties shall file a joint letter supplying a revised briefing schedule for the referred inquest. In the event that Plaintiff does not withdraw the appeal, then no later than September 13, 2024, the parties shall file a joint letter indicating their respective positions as to whether the pending appeal divests this Court of jurisdiction.²

SO ORDERED.

Dated: New York, New York
September 3, 2024

A handwritten signature in cursive script, appearing to read "Stewart D. Aaron".

STEWART D. AARON
United States Magistrate Judge

¹ In making its decision as to whether or not to withdraw the appeal, as discussed during the conference, Plaintiff may wish to review the Opinion in *LOD, LLC v. 1442 Lexington Op. DE LLC*, 59 F.4th 586 (2d Cir. 2023).

² In this regard, as discussed during the conference, the parties may wish to review the Opinion in *LaSalle Bank N.A. v. Capco Am. Sec. Corp.*, No. 02-CV-09916 (RLC), 2006 WL 1227539 (S.D.N.Y. May 6, 2006).